

Attorney Docket BS030749
10/806,870 Examiner Cajilig Art Unit: 3637
Submission of Amendment with RCE in Response to April 3, 2007 Final Office Action

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REMARKS

The Assignee respectfully requests continued examination in this application. The Assignee also respectfully requests entry of the above amendments and the following remarks in response to the final office action mailed April 3, 2007. The Assignee respectfully submits that the pending claims distinguish over the cited documents.

Claims 1-14 are pending in this application. Claims 15-20 have been canceled without prejudice or disclaimer. Claims 3 and 11 have been withdrawn from consideration by the Examiner.

The United States Patent and Trademark Office (the "Office") objects to the declaration. Claims 15 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 1-2 and 12-16 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 6,158,180 to Edwards. Claims 1-2, 4, and 12 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 1,772,687 to Reinke in view of U.S. Patent 4,913,386 to Sugiyama. Claims 5-6 and 17-18 were rejected under 35 U.S.C. § 103 (a) as being obvious over Reinke in view of Sugiyama and further in view of U.S. Patent 5,823,655 to Brooks. Claims 7-9 were rejected under 35 U.S.C. § 103 (a) as being obvious over Reinke in view of Sugiyama. Claim 10 was rejected under 35 U.S.C. § 103 (a) as being obvious over Reinke and Sugiyama in view of U.S. Patent 6,329,599 to Zimmerman. Claims 4 and 10 were rejected under 35 U.S.C. § 103 (a) as being obvious over Edwards in view of Zimmerman. Claims 5-6 and 17-18 were rejected under 35 U.S.C. § 103 (a) as being obvious over Edwards in view of Brooks. Claims 7-9 were rejected under 35 U.S.C. § 103 (a) as being obvious over Edwards.

Objection to Declaration

The Office objects to the declaration. The Office asserts that the declaration is defective for failing to state a mailing address of each inventor. The originally-submitted declaration, however, states the residence of each inventor. Each inventor's residence is also each inventor's

Attorney Docket BS030749
10/806,870 Examiner Cajilig Art Unit: 3637
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mailing address. The Assignee thus respectfully asserts that the originally-submitted declaration is not defective.

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Rejections under § 112

JUN 29 2007

Claims 15 and 16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claims 15 and 16, however, have been canceled, so the rejection is now moot.

Rejections under § 102

Claims 1-2 and 12-16 were rejected under 35 U.S.C. § 102 (b) as being anticipated by U.S. Patent 6,158,180 to Edwards. A claim, however, is only anticipated when each and every element is found in a single prior art reference. *See Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d (BNA) 1051, 1053 (Fed. Cir. 1987). *See also* DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2131 (orig. 8th Edition) (hereinafter “M.P.E.P.”).

First, claims 15 and 16 have been canceled, so the rejection of these claims is moot.

Second, claims 1-2 and 12-14 cannot be anticipated by *Edwards*. These claims recite, or incorporate, many features that are not taught or suggested by *Edwards*. Independent claim 1, for example, recites “*the outer surface of the top portion having a triangular shaped lip wedged between a bottom lip of the lower siding panel and between an upper hook of the upper siding panel.*” Support for such features may be found at least at paragraph [0009] of the as-filed application. Independent claim 1 also recites “*the transverse leg extending at a right angle from the outer surface of the bottom portion of the arm and the transverse leg having a width that is the same as a width of the upper hook of the upper siding panel, such that the transverse leg is parallel to a bottom surface of the lower siding panel.*” Support for such features may be found at least at paragraph [0009] of the as-filed application. Independent claim 1 also recites “*the downwardly extending leg having a longer length than the rear upwardly extending leg such that*

Attorney Docket BS030749

10/806,870 Examiner Cajilig Art Unit: 3637

Submission of Amendment with RCE in Response to April 3, 2007 Final Office Action

an open passageway is formed between an end portion of the rear upwardly extending leg and the transverse leg, thus creating an open passageway through which a wire may pass into an interior channel of the channel portion." Support for such features may be found at least at paragraph [0009] of the as-filed application. Independent claim 1 also recites "*a pair of upwardly extending arms with each arm having a flat lip, the flat lip having an interior angle relative to transverse leg of fifteen degrees.*" Support for such features may be found at least at paragraph [0020] of the as-filed application. Independent claim 1 also recites "*an exterior surface matching the upper siding panel and the lower siding panel, the exterior surface having a plurality of sections mated and aligned together.*" Support for such features may be found at least at paragraph [0008] of the as-filed application. Independent claim 1 is reproduced below.

1. A wire channel device for use with an upper siding panel and a lower siding panel, comprising:

an upwardly extending arm having a top portion, a bottom portion, an inner surface, and an outer surface, the outer surface of the top portion having a triangular shaped lip wedged between a bottom lip of the lower siding panel and between an upper hook of the upper siding panel;

a transverse leg outwardly extending from the outer surface of the bottom portion of the arm towards a downwardly extending leg of a wire channel, the transverse leg extending at a right angle from the outer surface of the bottom portion of the arm and the transverse leg having a width that is the same as a width of the upper hook of the upper siding panel, such that the transverse leg is parallel to a bottom surface of the lower siding panel;

the wire channel having the downwardly extending leg, a channel portion, and a rear upwardly extending leg, the downwardly extending leg having a longer length than the rear upwardly extending leg such that an open passageway is formed between an end portion of the rear upwardly extending leg and the transverse leg, thus creating an open passageway through which a wire may pass into an interior channel of the channel portion;

a pair of upwardly extending arms with each arm having a flat lip, the flat lip having an interior angle relative to transverse leg of fifteen degrees; and

an exterior surface matching the upper siding panel and the lower siding panel, the exterior surface having a plurality of sections mated and aligned together,

Attorney Docket BS030749
10/806,870 Examiner Cajilig Art Unit: 3637
Submission of Amendment with RCE in Response to April 3, 2007 Final Office Action

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wherein the interior channel supports and secures the wire and helps to protect
the wire from wildlife and environmental risks.

JUN 29 2007

Edwards is silent to all these features. While *Edwards* describes a mounting device for a communication conduit, *Edwards* fails to teach or suggest many of the features recited in independent claim 1. *Edwards*, then, cannot anticipate independent claim 1. Dependent claims 2 and 12-14 incorporate the same features and recite additional features, so dependent claims 2 and 12-14 cannot be anticipated. Examiner Cajilig is thus respectfully requested to remove the § 102 rejection of claims 1-2 and 12-14.

Rejection of Claims 1-2, 4, & 12 under § 103 (a)

Claims 1-2, 4, and 12 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent 1,772,687 to Reinke in view of U.S. Patent 4,913,386 to Sugiyama. Claims 1-2, 4, and 12, however, cannot be obvious over the combined teaching of *Reinke* and *Sugiyama*. These claims recite, or incorporate, many features that are not taught or suggested by *Reinke* and *Sugiyama*. Independent claim 1, for example, recites “*the outer surface of the top portion having a triangular shaped lip wedged between a bottom lip of the lower siding panel and between an upper hook of the upper siding panel.*” Independent claim 1 also recites “*the transverse leg extending at a right angle from the outer surface of the bottom portion of the arm and the transverse leg having a width that is the same as a width of the upper hook of the upper siding panel, such that the transverse leg is parallel to a bottom surface of the lower siding panel.*” Independent claim 1 also recites “*the downwardly extending leg having a longer length than the rear upwardly extending leg such that an open passageway is formed between an end portion of the rear upwardly extending leg and the transverse leg, thus creating an open passageway through which a wire may pass into an interior channel of the channel portion.*” Independent claim 1 also recites “*a pair of upwardly extending arms with each arm having a flat lip, the flat lip having an interior angle relative to transverse leg of fifteen degrees.*” Independent claim 1 also recites “*an exterior surface matching the upper siding panel and the lower siding panel, the exterior surface having a plurality of sections mated and aligned together.*”

Attorney Docket BS030749
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JUN 29 2007

Claims 1-2, 4, and 12, then, cannot be obvious. Independent claim 1 recites many features that are not taught or suggest by combined teaching of *Reinke* and *Sugiyama*. One of ordinary skill in the art, then, would not think that independent claim 1 is obvious over *Reinke* and *Sugiyama*. Dependent claims 2, 4, and 12 incorporate the same features and recite additional features, so these claims, too, cannot be obvious. Examiner Cajilig is thus respectfully requested to remove the § 103 rejection of claims 1-2, 4, and 12.

Rejection of Claims 5-6 & 17-18 under § 103 (a)

Claims 5-6 and 17-18 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Reinke* in view of *Sugiyama* and further in view of U.S. Patent 5,823,655 to Brooks.

Claims 17 and 18, however, have been canceled, so the rejection of these claims is moot.

Claims 5 and 6 cannot be obvious over *Reinke*, *Sugiyama*, and *Brooks*. Claims 5 and 6 depend from independent claim 1 and, thus, incorporate the same distinguishing features (as the above paragraphs explained). The combined teaching of *Reinke*, *Sugiyama*, and *Brooks*, quite simply, remains silent to many features recited in claim 1 and incorporated into claims 5 and 6. One of ordinary skill in the art, then, would not think that claims 5 and 6 are obvious. Examiner Cajilig is thus respectfully requested to remove the § 103 rejection of claims 5 and 6.

Rejection of Claims 7-9 under § 103 (a)

Claims 7-9 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Reinke* in view of *Sugiyama*. Claims 7-9, however, cannot be obvious over *Reinke* and *Sugiyama*. Claims 7-9 depend from independent claim 1 and, thus, incorporate the same distinguishing features (as the above paragraphs explained). The combined teaching of *Reinke* and *Sugiyama* remains silent to many features recited in claim 1 and incorporated into claims 7-9. One of ordinary skill in the

Attorney Docket BS030749
10/806,870 Examiner Cajilig Art Unit: 3637
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art, then, would not think that claims 7-9 are obvious. Examiner Cajilig is thus respectfully requested to remove the § 103 rejection of claims 7-9.

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Rejection of Claim 10 under § 103 (a)

JUN 29 2007

Claim 10 was rejected under 35 U.S.C. § 103 (a) as being obvious over *Reinke* and *Sugiyama* in view of U.S. Patent 6,329,599 to *Zimmerman*. Claim 10, however, depends from independent claim 1 and, thus, incorporates the same distinguishing features (as the above paragraphs explained). Because the combined teaching of *Reinke*, *Sugiyama*, and *Zimmerman* remains silent to many features recited in claim 1, one of ordinary skill in the art, then, would not think that claim 10 is obvious. Examiner Cajilig is thus respectfully requested to remove the § 103 rejection of claim 10.

Rejection of Claims 4 & 10 under § 103 (a)

Claims 4 and 10 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Edwards* in view of *Zimmerman*. Claims 4 and 10, however, depend from independent claim 1 and, thus, incorporate the same distinguishing features (as the above paragraphs explained). Because the combined teaching of *Edwards* and *Zimmerman* remains silent to many features recited in claim 1, one of ordinary skill in the art, then, would not think that claim 10 is obvious. Examiner Cajilig is thus respectfully requested to remove the § 103 rejection of claims 4 and 10.

Rejection of Claims 5-6 & 17-18 under § 103 (a)

Claims 5-6 and 17-18 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Edwards* in view of *Brooks*.

Claims 17 and 18, however, have been canceled, so the rejection of these claims is moot.

Attorney Docket BS030749
10/806,870 Examiner Cajilig Art Unit: 3637
Submission of Amendment with RCE in Response to April 3, 2007 Final Office Action

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Claims 5 and 6 cannot be obvious over *Edwards* and *Brooks*. Claims 5 and 6 depend from independent claim 1 and, thus, incorporate the same distinguishing features (as the above paragraphs explained). The combined teaching of *Edwards* and *Brooks*, quite simply, remains silent to many features recited in claim 1 and incorporated into claims 5 and 6. One of ordinary skill in the art, then, would not think that claims 5 and 6 are obvious. Examiner Cajilig is thus respectfully requested to remove the § 103 rejection of claims 5 and 6.

JUN 29 2007

Rejection of Claims 7-9 under § 103 (a)

Claims 7-9 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Edwards*. Claims 7-9, however, depend from independent claim 1 and, thus, incorporate the same distinguishing features (as the above paragraphs explained). Because *Edwards* remains silent to many features recited in claim 1 and incorporated into claims 7-9, one of ordinary skill in the art would not think that claims 7-9 are obvious. Examiner Cajilig is thus respectfully requested to remove the § 103 rejection of claims 7-9.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimerman.com.

Respectfully submitted,



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